

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In the Matter of	)	
	)	Administrator Correspondence
Request for Waiver or Review of	)	March 27, 2014 and July 31, 2017
Decisions of the	)	
Universal Service Administrator by	)	
	)	
Universal Service Administrative Company	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

September 28, 2017

**Request for Waiver or Review of Decisions of the Universal Service Administrator  
by Jacksonville Public Library System**

In accordance with Sections through 54.721 of the Commission's Rules, Jacksonville Public Library System respectfully requests an appeal of the Administrator's decision to deny an invoice deadline extension for FCC Form 471 # 893171 for Funding Year 2013.

**Background:**

Jacksonville Public Library System, (Jacksonville), submitted FCC Form 471 #893171 on March 8, 2013 and was issued a Funding Commitment Decision Letter on May 29, 2013. The Library notified BellSouth Telecommunications, LLC, (AT&T), of their desire to receive E-rate discounts via Service Provider Invoice method and, in accordance with FCC rules Jacksonville paid the non-discount portion of all their invoices for the year. AT&T accepted responsibility to invoice USAC via the SPI method of invoicing.<sup>1</sup> Jacksonville received services from BellSouth Telecommunications, LLC, (AT&T), as part of an agreement for Internet access for their libraries from July 1, 2013 through June 30, 2014.

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<sup>1</sup> Jacksonville FCC Waiver Attachment A

Jacksonville received email correspondence<sup>2</sup> from AT&T dated November 14, 2013 which stated that “in order to remain E-rate compliant, USAC expects the BEN name to be the entity responsible for paying the bill... In previous Fund Years the system and process would allow for non-matching Biller names and BEN to process discounts however the new system will not.”

Jacksonville’s E-rate eligible services had historically been included in billing accounts which also included the City of Jacksonville’s other, non-E-rate eligible sites. Jacksonville, as with many Library Systems nationwide, are managed and funded through their local municipality. It is common to see monthly invoices for such Library Systems to be in the name of the City. AT&T was now requiring an internal billing system change for Jacksonville’s accounts to change the name on the billing accounts from City of Jacksonville to the Jacksonville Public Library System.<sup>3</sup> Jacksonville Library billing accounts were subsequently moved from combined City and Library System accounts to Library System-only accounts.

AT&T emailed Michael Turner, with the City of Jacksonville, on December 16, 2013 (see Attachment A) to “advise that BellSouth has activated” Jacksonville’s “E-Rate benefits (credits) for Jacksonville Public Library System FRN(s): 2486072. This activation is based upon the grid customer information we received and reviewed with you. Benefits should appear on your February 2014 bill. This initial benefit is retroactive to the start of plan year, July 2013. Subsequent E-Rate benefits will post monthly to your bill.”

The record is clear that Jacksonville had done everything necessary to receive E-rate credits for FY 2013 and the responsibility to invoice was squarely on the vendor. The vendor subsequently discounted Jacksonville’s bills and the process was complete from the perspective of the library.

In October 2016, Jacksonville noticed a charge of \$130,732.51, on its invoice, in addition to the regular monthly charges. Mr. Turner, City of Jacksonville, began reaching out to AT&T to inquire as to the nature of the charge. AT&T responded to Mr. Turner in February, 2017 with an answer to the charges.<sup>4</sup> Based on information provided by AT&T to Jacksonville, the FCC Form 474 for FRN 2486072 was submitted prior to the invoicing deadline for FY 2013 and subsequently denied by USAC due to “services to entity not approved on Form 471.”

## **Discussion:**

Jacksonville Public Library System believes USAC’s decision to deny Form 474 Invoice # 1970754 was made in error due to the fact the service description on the invoice detail clearly shows eligible library branches as recipients of service. Also, USAC’s lack of procedure to notify applicants of detrimental decisions made in regards to their Funding Requests when initiated by service provider invoices, (FCC Form 474), exposes all applicants to this very scenario. The Library believes that this appeal is analogous to the Jefferson-Madison Regional Library appeal that the FCC’s granted in DA 17-526A1<sup>5</sup>. In DA 17-526A1, the FCC found that a waiver was warranted because the service provider failed to act in a timely manner, which is

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<sup>2</sup> Jacksonville FCC Waiver Attachment B

<sup>3</sup> Jacksonville FCC Waiver Attachment C

<sup>4</sup> Jacksonville FCC Waiver Attachment D

<sup>5</sup> [https://apps.fcc.gov/edocs\\_public/attachmatch/DA-17-526A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-17-526A1.pdf)

the crux of the issue raised in this appeal. In the Order, the FCC directed “USAC to allow all similarly-situated applicants, including but not limited to those listed in Appendix A, to resubmit invoice filings.” Because the core issue is the service provider failed to take timely action, Jacksonville requests to be treated as a similarly situated applicant. Jacksonville, therefore, respectfully requests the opportunity and time extension required to submit an invoice via the FCC Form 472 BEAR process.

USAC does not provide notice to an applicant when an adverse decision is issued on a SPI (FCC Form 474) invoice, thus the Library cannot independently confirm when, or why the invoice was denied. Also unknown is whether AT&T resubmitted the invoice to USAC after an effort to correct the issue. This lack of notice makes it nearly impossible for an applicant to dispute an issue with a SPI or even know if there is a problem.

AT&T did not request an invoice deadline extension or notify Jacksonville that an extension was required. There was no correspondence with Jacksonville regarding the FY 2013 billing issue until the charge showed up on the October 2016 invoice.

Below is a bulleted list of the benchmarks pertaining to this case. The facts show that the applicant did everything correctly and should not be penalized due to the service provider’s failure to invoice USAC properly. Additionally, USAC’s failure to provide notice to an applicant that an adverse decision was made against them seems to violate the principles of due process. Finally, we believe the denial of the original invoice by USAC was incorrect and the applicant should be allowed a to submit an invoice for FRN 2486072.

The facts surrounding the FRN in question are as follows:

- FCC Form 471 #893171 for FY 2013-14 was submitted and certified on March 8, 2013.
- A Funding Commitment Decision Letter was received May 29, 2013
- A FCC Form 486 was submitted and certified in a timely manner and services began July 1, 2013.
- AT&T/BellSouth requested a SPI Grid sheet for the eligible accounts and the library system subsequently provided the completed grid, again in a timely manner.
- Upon receipt of the SPI Grid sheet AT&T/BellSouth began applying E-rate credits to the library system’s invoices
- The library system assumes all steps have been taken to successfully receive E-rate credits for the eligible services.
- AT&T/BellSouth submitted a FCC Form 474 (Invoice Number: 1970754) in February 2014 for \$156,972.86.

- The Form 474 invoice was denied.
- The applicant was NOT made aware of this invoice denial by USAC or by the provider. They were made aware of the invoice denial because AT&T/Bell South reversed the E-rate credits that had previously been applied to the bill two and a half years later.
- AT&T/Bell South took no action to request an invoice extension and instead waited several years to reverse the previously applied E-rate credits.

Had either USAC or the service provider notified Jacksonville of the invoice denial and potential charge back, it could have taken proactive action to resolve the issue. The lack of notice by USAC and the service provider has placed an undue financial hardship on the library system. The lack of notice by USAC alone warrants approval of this waiver request. Additionally, as described in more detail below, it is believed USAC's decision to deny the original invoice was incorrect.

The invoices submitted to USAC clearly indicate that the recipients of all services are the library branches. Services were delivered only to eligible library entities, all of which were included on the FCC Form 471 #893171. Invoices prior to FY 2013 and since FY 2013 were sent to and in the name of the City of Jacksonville. We, therefore, argue that the original invoice, #1970754, submitted by AT&T to USAC was incorrectly denied.

Although AT&T/BellSouth submitted invoice #1970754 to USAC in February, 2014 which was subsequently rejected, the provider did not re-submit an invoice to USAC nor did they notify the library system of the denial until well after the deadline to invoice. Up until that time, the library system was operating under the assumption that all was well with their E-rate credits. Once the charge-back occurred, the library system worked in good faith with AT&T to determine the nature of the charge back. Once the nature of the charge-back was determined, the library system realized that AT&T/BellSouth was responsible for the invoicing mistake despite Jacksonville doing everything correctly in regards to their E-rate process. Additionally, it is hard to believe that the USAC would deny invoices without providing notice to the applicant. It is unconscionable to imagine that the Administrator would implement a process that so clearly violates the principles of due process.

Jacksonville submitted an appeal to USAC on July 11, 2017 and received a denial letter dated July 31, 2017.<sup>6</sup>

In summary, Jacksonville believes first, that the decision to "zero-fund" the original FCC Form 474 was made in error since the invoice detail clearly shows recipients of service as eligible library branches. Secondly, the lack of process or procedure by USAC to notify applicants of negative decisions in response to FCC Form 474 submissions is a violation of due process. And finally, the situation described falls within the FCC's direction to USAC to allow all similarly-situated applicants to Jefferson-Madison Regional Library, including but not limited to those listed in Appendix A of the Order on Reconsideration to resubmit invoice filings. Based upon these issues and facts, Jacksonville respectfully requests the opportunity and time extension

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<sup>6</sup> Jacksonville FCC Waiver Attachment E

required to submit an invoice using the FCC Form 472 BEAR process for FY 2013 FRN 2486072.

Thank you for your consideration of the appeal.



Melinda Van Patten  
Consultant to Jacksonville Public Library System

**Melinda Van Patten**

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**From:** HARRIS, STEPHANIE L <SH2308@att.com>  
**Sent:** Monday, December 16, 2013 3:27 PM  
**To:** Turner, Michael  
**Cc:** HUNSINGER, MATTHEW M  
**Subject:** FY16 E-Rate Credits Activated - Jacksonville Public Library System

Hello Michael,

This is to advise that BellSouth has activated your E-Rate benefits (credits) for Jacksonville Public Library System FRN(s): 2486072. This activation is based upon the grid customer information we received and reviewed with you. Benefits should appear on your February 2014 bill. This initial benefit is retroactive to the start of plan year, July 2013. Subsequent E-Rate benefits will post monthly to your bill. Should you have any questions or concerns about your E-Rate Benefits, please feel free to contact me.

Thank you for allowing BellSouth to assist you with your E-Rate needs.

*Stephanie Harris*

**Sr. Contract / Sourcing Specialist**  
**AT&T E-Rate Customer Care**  
**SBC Global Services, Inc.**  
**(404) 829-6489 Phone**  
**(404) 829-6316 Fax**  
**[sh2308@att.com](mailto:sh2308@att.com)**

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## Melinda Van Patten

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**From:** Turner, Michael <MTurner@coj.net>  
**Sent:** Thursday, November 14, 2013 4:32 PM  
**To:** SW.ERATE@RDSMAIL.IMS.ATT.COM  
**Cc:** WADLEY, CHRIS  
**Subject:** RE: Biller name, 10251388857631AN,

We are in the process of moving the Library Centrex numbers from billing number **904M75033812** to Billing Number **904M074790790**

So the two billing numbers that will be valid are **904M074790790** and **904M074791791**.

Once this is complete will there be any problems approving the GRID request?

*Michael S. Turner*

255-8413

**From:** [SW.ERATE@RDSMAIL.IMS.ATT.COM](mailto:SW.ERATE@RDSMAIL.IMS.ATT.COM) [<mailto:SW.ERATE@RDSMAIL.IMS.ATT.COM>]  
**Sent:** Thursday, November 14, 2013 3:53 PM  
**To:** Turner, Michael  
**Subject:** Biller name, 10251388857631AN,



Date: 11/14/2013

Dear Michael turner:

The purpose of this e-mail is to acknowledge that your order is being cared for by AT&T Customer Care Associate MATTHEW M HUNSINGER.

The following information summarizes the order:

RDS Tracking: 10251388857631AN

FRN: 2486072

Activity Request: E-Rate

We apologize for the delay in response but in order to remain E-rate compliant Usac expects the BEN name to be the entity responsible for paying the bill. In the event of a PIA(Program Integrity Assurance) review, the conflict will result in Notification of Improperly disbursed funds due to the incorrect billing responsible party not matching the

the BEN name assigned with USAC.

In previous Fund Years the system and process would allow for non-matching Biller names and BEN to process discounts however the new system will not.

As always, we thank you for doing business with AT&T.

Matthew Hunsinger

Customer Advocate  
AT&T E-Rate Customer Care  
AT&T Michigan  
[swberate@att.com](mailto:swberate@att.com)

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<---- Begin Process Information For EMS USE ONLY ---->  
TrackingNumber: 10251388857631AN  
<---- End Process Information For EMS USE ONLY ---->



## Melinda Van Patten

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**From:** SW.ERATE@RDSMAIL.IMS.ATT.COM  
**Sent:** Friday, November 15, 2013 8:45 AM  
**To:** Turner, Michael  
**Subject:** RE: Biller name, 10251388857631AN,, 10251388857631ANE1, JACKSONVILLE



Date: 11/15/2013

JACKSONVILLE

Dear Michael Turner:

Your request for E-Rate has been completed.

FRN: 2486072.

What we want to accomplish is that the name on which ever BTN(s) is assigned on the SE Grid(s) will match the name that is on the 471/486 that the BEN is assigned by USAC( The FRN is assigned to a BEN(Billed Entity Number)by USAC).

So for example, if the Biller name says "City of Denver" and the listed schools/libraries on the GRID read, Dover Elementary and Eagle Nest Library, the zip code or location may be under City of Denver it will not be acceptable do to the FRN was designated to "City of Dover". The two names do not have to be exact but a term like "City of" is to broad.

This is new for us this year as well and we apologize for any inconvenience.

If you have any questions, please contact me at 877-444-6944 Extension

Thank you for choosing AT&T.

Matthew Hunsinger

Customer Advocate  
AT&T E-Rate Customer Care  
AT&T Michigan  
[swberate@att.com](mailto:swberate@att.com)

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<---- Begin Process Information For EMS USE ONLY ---->  
TrackingNumber: 10251388857631AN  
<---- End Process Information For EMS USE ONLY ---->

**From:** Turner, Michael  
**Sent:** Thursday, February 02, 2017 5:21 PM  
**To:** 'WADLEY, CHRIS'  
**Cc:** Rooney, Michael  
**Subject:** RE: Explanation of Additional Charges

Chris,

This is the year that the rules evidently changed for the vendors (AT&T) and I worked with you and Terea to move all circuits onto the Library separate club bills.

904 M07 4790 790 (LIBRARY VOICE CLUB)

904 M07 4791 791 (LIBRARY DATA CLUB)

So this should not be denied. I spent a lot of time going back and forth getting this corrected.

Please help with this as we did everything that was required to make sure the discounts were realized.

Thanks,

**Michael S. Turner**  
Phone: 904.255.8413 | Cell: 904.487.7399  
[mturner@coj.net](mailto:mturner@coj.net)

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**From:** Turner, Michael  
**Sent:** Thursday, February 02, 2017 4:41 PM  
**To:** 'WADLEY, CHRIS'; Rooney, Michael  
**Subject:** RE: Explanation of Additional Charges

Chris,

I need to see the Program Integrity Assurance (PIA) review to dispute this.

Why were we not contacted prior to being billed?

Thanks,

**Michael S. Turner**  
Phone: 904.255.8413 | Cell: 904.487.7399  
[mturner@coj.net](mailto:mturner@coj.net)

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**From:** WADLEY, CHRIS [<mailto:cw3669@att.com>]  
**Sent:** Thursday, February 02, 2017 4:32 PM  
**To:** Turner, Michael; Rooney, Michael  
**Subject:** RE: Explanation of Additional Charges

Michael and Michael,

Jacksonville FCC Waiver  
Attachment D

After some research we have been able to determine that the charge of \$130,732.51 is correct and needs to be paid. Here is some information to help explain.

We originally invoiced SLD for eRate credits awarded (total credits = \$156,972.86 funded amount for FRN) Jacksonville Public Library for FRN 2486072 on Feb 2014 as follows:

State	Account Number	Application Number	FRN	Reward	Total
FL	(904) M07-4790 790	893171	2486072	2,449.80	\$2,449.80
FL	(904) M07-4791 791	893171	2486072	23,790.55	\$23,790.55
FL	(904) M75-0330 812	893171	2486072	130,732.51	\$130,732.51

The invoice to School Libraries Division (SLD) went into a Program Integrity Assurance (PIA) review, and the result was we were denied payment due to “services to entity not approved on Form 471.”

143004824	2486072	131201401	-	SLD Invoice Number:1970754;L
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Therefore, we had no choice but to charge back accounts for eRate credits awarded the customer. I have attached copies of the billing statements for Feb 2014 to show where we awarded credits to each BTN.

As you can see the credits were originally issued in February 2014 and after PIA review (Audit) it was determined that the E-rate credit that was issued on 904-M75-0330 812 was not approved and therefore failed the audit and we were required to recover the money credited.

Thank you

Chris Wadley  
AT&T Account Manager  
Government and Education  
Office – 904-407-2751  
Cell – 904-476-3100  
Email – [cw3669@att.com](mailto:cw3669@att.com)

Jacksonville FCC Waiver  
Attachment D



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2013-2014**

July 31, 2017

Mel Van Patten  
E-Rate Central  
PO Box 1403  
Cornelius, NC 28031

Re: Applicant Name: JACKSONVILLE PUB LIB SYSTEM  
Billed Entity Number: 127585  
Form 471 Application Number: 893171  
Funding Request Number(s): 2486072  
Decision Letter Date: March 27, 2014  
Date Appeal Postmarked: July 11, 2017  
Your Correspondence Dated: July 11, 2017

Our records show that your appeal was postmarked more than 60 days after the date your Remittance Statement was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company

## Letter of Appeal

July 11, 2017

Letter of Appeal  
Schools and Libraries Division – Correspondence Unit  
30 Lanidex Plaza West  
P.O. Box 685  
Parsippany, New Jersey 07054-0685

Billed Entity Name: Jacksonville Public Library System  
BEN: 127585  
Funding Year: 2013  
Form 471#: 893171  
FRN: 2486072

### CONTACT PERSON:

Mel Van Patten, E-Rate Central  
PO Box 1403, Cornelius, NC 28031  
Phone: 516-801-7821  
FAX: 516-801-7831  
E-mail: [mvanpatten@e-ratecentral.com](mailto:mvanpatten@e-ratecentral.com)

### APPEAL RATIONALE:

Based on information provided by the vendor, BellSouth Telecommunications, LLC., it is our understanding that the SPI (FCC Form 474) for FRN 2486072 was denied by USAC due to “services to entity not approved on Form 471.” The Library cannot independently confirm when or why the invoice was denied because USAC does not provide notice to the applicant when an adverse decision is issued on a SPI invoice. We respectfully request an extension of the invoice deadline that will allow the district to resubmit an invoice. We believe that granting the appeal is in the same spirit as the recent FCC Order on Reconsideration for the Jefferson-Madison Regional Library, DA 17-526<sup>1</sup> released May 30, 2017.

Chris Wadley, AT&T/BellSouth Telecommunications Account Representative for the library system, recently provided the details outlined below. The facts show that the applicant did everything correctly and should not be penalized due to the service providers failure to provide timely notice to the applicant. Additionally, USAC’s failure to provide notice to the applicant that an adverse decision was made against them seems to violate the principles of due process. Finally, we believe the denial of the original invoice by USAC was incorrect and the applicant should be allowed a one-time extension to submit an invoice for FRN 2486072.

The facts surrounding the FRN in question are as follows:

- FCC Form 471 #893171 for FY 2013-14 was submitted and certified on 3/8/2013.
- A Funding Commitment Decision Letter was received 5/29/2013

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<sup>1</sup> DA 17-526, [https://apps.fcc.gov/edocs\\_public/attachmatch/DA-17-526A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-17-526A1.pdf)

- A FCC Form 486 was submitted and certified in a timely manner and services began July 1, 2013.
- AT&T/BellSouth requested a SPI Grid sheet for the eligible accounts and the library system subsequently provided the completed grid, again in a timely manner.
- Upon receipt of the SPI Grid sheet AT&T/BellSouth began applying E-rate credits to the library system's invoices
- The library system, at this point, assumed all steps have been taken to successfully receive E-rate credits for the eligible services.
- AT&T/BellSouth submitted a FCC Form 474 (Invoice Number: 1970754) in February, 2014 for \$156,972.86.
- Sometime after the submission of the Form 474, the invoice was denied, citing the reason for denial as "services to entity not approved on Form 471." AT&T's National E-rate Center of Excellence stated that USAC would not pay on the submitted invoice number 1970754 because the account was being billed in the name of the City of Jacksonville and not the Jacksonville Public Library System.
- The applicant was only recently made aware of this invoice denial. They were made aware of the invoice denial because AT&T/Bell South reversed the E-rate credits that had previously been applied to the bill.
- AT&T/Bell South took no action to notify the applicant of the denial or to request an invoice extension and instead waited several years to reverse the previously applied E-rate credits.

Had the Library System been notified by USAC or the service provider of the invoice denial and potential charge back, it could have taken proactive action to resolve the issue. The lack of notice by USAC and the service provider has place an undue financial hardship on the library system. We believe the lack of notice alone warrants approval of this appeal. Additionally, as described in more detail below we believe USAC's decision to deny the invoice was incorrect.

Our understanding is that the invoice was denied because the bills are sent to the City of Jacksonville and not the Jacksonville Library System. As with most libraries nationwide, the library system's financials are all run through the City and the bills are paid by the City and the charges are then applied against the library system's budget. The invoices submitted to USAC clearly indicate that the recipients of all services are the library branches. The fact that the library's financials are run through the governing city is common practice and USAC, generally, approves these types of invoices as long as evidence is provided that the services are delivered to eligible entities. We, therefore, argue that the original invoice to USAC was incorrectly denied.

Although AT&T/BellSouth submitted invoice #1970754 to USAC in February, 2014 which was subsequently rejected, the provider did not re-submit an invoice to USAC nor did they notify the library system of the denial until well after the invoice deadline. Up until that time, the library system was operating under the assumption that all was well with the E-rate credits. Once the charge back occurred, the library system worked in good faith with the provider to determine the nature of the charge back. Once the nature of the charge backs were determined the library system was appalled to find that AT&T/BellSouth was responsible for the invoicing debacle and the library system would then be responsible for their mistake. Additionally, it is hard to believe that the USAC would deny invoices without providing notice to the applicant. It is unconscionable to imagine that the Administrator would implement a process that so clearly violates the principles of due process.

We feel the facts in this case fall within the FCC's guidance in the Jefferson-Madison decision whereas the invoice was submitted well before the deadline and the applicant was not made aware of the denial until well after the

invoicing deadline had passed. If this appeal is approved, the library system will request to submit an FCC Form 472, BEAR, form since they have paid all invoices in full for the 2013-14 services in question.

We believe that the decision to “zero-fund” the original Form 474 was made in error since the library system’s financials are all run through the City of Jacksonville so it is logical that the invoice will be addressed to the City and the service description on the invoice detail clearly shows recipients of service as the library branches. We also believe the situation described falls within the FCC’s direction to USAC to allow all similarly-situated applicants to Jefferson-Madison Regional Library, including but not limited to those listed in Appendix A of the Order on Reconsideration to resubmit invoice filings. In conclusion, we respectfully request that the library system, who did everything correctly in this case, be allowed the opportunity and time extension required to submit an invoice using the FCC Form 472 BEAR process.

Thank you for your consideration of the appeal.



Melinda Van Patten

Consultant to Jacksonville Public Library System